

IC 34-44

ARTICLE 44. EVIDENCE: DAMAGES

IC 34-44-1

Chapter 1. Collateral Source Evidence

IC 34-44-1-1

Purpose of chapter

Sec. 1. The purpose of this chapter is:

- (1) to enable the trier of fact in a personal injury or wrongful death action to determine the actual amount of the prevailing party's pecuniary loss; and
- (2) to provide that a prevailing party not recover more than once from all applicable sources for each item of loss sustained.

As added by P.L.1-1998, SEC.40.

IC 34-44-1-2

Personal injury or wrongful death actions; admissibility of evidence

Sec. 2. In a personal injury or wrongful death action, the court shall allow the admission into evidence of:

- (1) proof of collateral source payments other than:
 - (A) payments of life insurance or other death benefits;
 - (B) insurance benefits for which the plaintiff or members of the plaintiff's family have paid for directly; or
 - (C) payments made by:
 - (i) the state or the United States; or
 - (ii) any agency, instrumentality, or subdivision of the state or the United States;that have been made before trial to a plaintiff as compensation for the loss or injury for which the action is brought;
- (2) proof of the amount of money that the plaintiff is required to repay, including worker's compensation benefits, as a result of the collateral benefits received; and
- (3) proof of the cost to the plaintiff or to members of the plaintiff's family of collateral benefits received by the plaintiff or the plaintiff's family.

As added by P.L.1-1998, SEC.40.

IC 34-44-1-3

Proof of payments; consideration for amount and review of award

Sec. 3. Proof of payments under section 2 of this chapter shall be considered by the trier of fact in arriving at the amount of any award and shall be considered by the court in reviewing awards that are alleged to be excessive.

As added by P.L.1-1998, SEC.40.